

HOUSE BILL 2856

By Jones S

AN ACT to amend Tennessee Code Annotated, Title 3; Title 4; Title 68; Title 69 and Title 70, relative to wildlife resources.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 4-29-231(a), is amended by deleting subdivision (47) in its entirety.

SECTION 2. Tennessee Code Annotated, Section 70-1-201, is amended by deleting the section in its entirety.

SECTION 3. Tennessee Code Annotated, Section 70-1-301, is amended by deleting the section in its entirety and by substituting instead the following:

§ 70-1-301

(a) There is hereby created within the Tennessee department of environment and conservation, a division of wildlife resources, which shall have full and exclusive jurisdiction of the duties and functions relating to wildlife formerly held by the game and fish commission, the wildlife resources agency, or of any other law relating to the management, protection, propagation, and conservation of wildlife, including hunting and fishing.

(b) It is the policy of the state that the division shall place first and foremost the welfare of the wildlife and its environment in the division's planning and decisions, and to encourage, by every appropriate means, the full development of the state's natural resources to the benefit of all of the citizens of Tennessee, including, but not limited to, the creation of a comprehensive long-range management plan to integrate the division of wildlife resource's efforts and to implement and encourage full utilization of Tennessee's wildlife resources consistent with realistic conservation principles.

SECTION 4. Tennessee Code Annotated, Section 70-1-306, is amended by deleting the section in its entirety and by substituting instead the following:

§ 70-1-306. All moneys received by the division of wildlife resources in payment of licenses, advertising, contraband, fines, penalties, and forfeitures arising from the wildlife resources laws of this state shall be deposited into the general fund.

SECTION 5. Tennessee Code Annotated, Section 70-1-401, is amended by deleting the section in its entirety.

SECTION 6. Notwithstanding any provision of law to the contrary, upon the effective date of this act, all proclamations, and rules and regulations issued or promulgated by the Tennessee wildlife resources agency shall remain in full force and effect, and shall thereafter be administered and enforced by the division of wildlife resources. All proposed rules of the wildlife resources agency pending with the attorney general and reporter or secretary of state, unless withdrawn, shall continue their status as proposed rules until becoming effective as rules of the division of wildlife resources. The division of wildlife resources shall have the authority to adopt, issue or promulgate new orders, rules and regulations, decisions or policies necessary to administer the programs or functions transferred from the wildlife resources agency to the division of wildlife resources.

SECTION 7. Notwithstanding any provision of law to the contrary, upon the effective date of this act all duties, responsibilities, and functions of the state board of education are hereby transferred to the department of education.

SECTION 8. The director of the wildlife resources division shall assume any remaining duties assigned to the Tennessee wildlife resources agency on and after July 1, 2008.

SECTION 9. Tennessee Code Annotated, Section 4-3-104, is amended by adding the following as a new, appropriately designated subsection:

() References to the wildlife resources agency are deemed references to the division of wildlife resources.

SECTION 10. The Tennessee code commission is directed to revise appropriate references to the "wildlife resources agency" in the code as supplements are published and

volumes are replaced. Provided, the division of wildlife resources shall exhaust the existing stock of office products with the former designation before ordering new office products with the new title authorized by this act.

SECTION 11. All contracts or leases entered into prior to the effective date of this act, by the wildlife resources agency with respect to any program or function transferred by this act with any entity, corporation, agency, enterprise or person shall continue in full force and effect as to all essential provisions in accordance with the terms and conditions of the contracts in existence on the effective date of this act, to the same extent as if such contracts had originally been entered into by and between such entity, corporation, agency, enterprise or person and the wildlife resources agency, unless and until such contracts or leases are amended, modified or terminated by the parties thereto.

SECTION 12. This act shall take effect July 1, 2008, the public welfare requiring it.